

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BAH MOHAMMED,

Plaintiff,

-against-

10 Civ. 8092 (DAB)
ORDER

OFFICER D. RUZEWSK and TWO OTHER
OFFICERS I DON'T REALLY KNOW THEY
NAME,

Defendants.

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DEBORAH A. BATTS, United States District Judge.

This matter is before the Court upon the March 15, 2011 Report and Recommendation of United States Magistrate Judge Andrew J. Peck (the "Report"). Judge Peck's Report recommends that the Court dismiss Plaintiff's Complaint without prejudice for failure to serve timely the Complaint pursuant to Fed. R. Civ. P. 4(m). See, e.g., Thompson v. Maldonado, 309 F.3d 107, 110 (2d Cir. 2002). (Report at 2.)

Pursuant to 28 U.S.C. § 636(b)(1)(C), "[w]ithin fourteen days after being served with a copy [of a Magistrate Judge's Report and Recommendation], any party may serve and file written objections to such proposed findings and recommendations..." 28 U.S.C. § 636(b)(1)(C); see also Fed. R. Civ. P. 72(b)(2). The district court may adopt those portions of the report to which no timely objection has been made, so long as there is no clear error on the face of the record. See 28 U.S.C. § 636(b)(1)(A);

Wilds v. United Parcel Serv., Inc., 262 F.Supp.2d 163, 169

(S.D.N.Y. 2003). To date, no objections to the Report have been filed.

Having reviewed the Report and Recommendation and finding no clear error on the face of the record, it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation of United States Magistrate Judge Andrew J. Peck, dated March 15, 2011, be and the same hereby is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety;


2. Pursuant to Judge Peck's recommendation, Plaintiff's case is DISMISSED without prejudice for failure to timely serve pursuant to Fed. R. Civ. P. 4(m); and

3. The Clerk of the Court is directed to close the docket in this case.

SO ORDERED.

Dated: New York, New York

May 9, 2011


Deborah A. Batts
United States District Judge